

### **REMARKS**

Claims 1-16, 18-45 and 47-66 are currently pending in the subject application and are presently under consideration. Claims 1, 31, 38, 53-66 have been amended herein.

Applicant's representative thanks the Examiner for courtesies extended during the teleconference on April 1, 2008,-wherein the amendments presented herein and the cited references were discussed. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 54-62 Under 35 U.S.C. §101**

Claims 54-62 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The subject claims are directed to a computer implemented system/methodology, and produce useful, concrete and tangible results.

Because the claimed process applies the Boolean principle [abstract idea] ***to produce a useful, concrete, tangible result*** ... on its face the claimed process comfortably falls within the scope of §101. *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358. (Fed. Cir. 1999) (Emphasis added); *See State Street Bank & Trust Co. v. Signature Fin. Group, Inc.*, 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed.Cir.1998). The inquiry into patentability requires an examination of the contested claims to see if the claimed subject matter, as a whole, is a disembodied mathematical concept representing nothing more than a "law of nature" or an "abstract idea," or if the mathematical concept has been ***reduced to some practical application rendering it "useful."*** *AT&T* at 1357 *citing In re Alappat*, 33 F.3d 1526, 31 1544, 31 U.S.P.Q.2D (BNA) 1545, 1557 (Fed. Cir. 1994) (Emphasis added) (holding that more than an abstract idea was claimed because the claimed invention as a whole was directed toward forming a specific machine that produced the useful, concrete, and tangible result of a smooth waveform display).

The subject claims provide for a useful invention as disclosed in applicant's specification. Independent claim 54 (and claims 55-62 dependent therefrom) recite a computer implemented system that detects other wireless devices for a presentation thereof, and inferring/anticipating availability of such devices based on prior user actions. The subject specification provides ample examples of practical applications along with satisfactory explanations illustrating the usefulness of such computer implemented system for finding wireless devices and

inferring/anticipating availability thereof; such as detection of printers, scanners in airport lounges by travelers and determining their availability for use.

**II. Rejection of Claims 1, 3-6, 9-28, 38-41, 44-47, 49-54, 56-57 and 59-60 and 63-66 Under 35 U.S.C. §103(a)**

Claims 1, 3-6, 9-28, 38-41, 44-47, 49-54, 56-57 and 59-60 and 63-66 stand rejected under 35 U.S.C. §103(a) as being obvious over Gray *et al.* (U.S. Patent 6,674,403) in view of Tang *et al.* (U.S. Patent 7,139,557), and in further view of Smith *et al.* (US 2003/0124977). Withdrawal of this rejection is respectfully requested for at least the following reasons.

The prior art reference (or references when combined) must teach or suggest *all claim limitations*. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The subject invention as claimed, in part relates to inferring and/or anticipating availability of detected wireless devices, based on *usage trends/prior user* behavior. For example, a support vector machine (SVM) classifier can be employed that operates by finding a dynamically changing hypersurface in the space of possible inputs; and/or defining the time at which a given device/port will become available. Moreover, various inferences can be employed to identify a specific context or action (*e.g.*, availability of a wireless device based on user behavior), or can generate a probability distribution over states, for example. The inference can be probabilistic (*e.g.*, computation of a probability distribution over states of interest based on a consideration of data and events), to identify user behavior and/or usage trends. Such aspects of the claimed invention are not taught or suggested invention by Gray *et al.*, Tang *et al.*, or Smith *et al.* alone or in combination.

Gray *et al.* is directed to performing real-time position detection and motion tracking of mobile communications devices moving about in a defined space comprised of a plurality of locales is provided. A plurality of access points are disposed about the space to provide an interface between mobile devices and a network having functionality and data available or accessible therefrom. Gray *et al.* does not teach or suggest employing classifiers and/or making

inferences regarding availability of other wireless devices based on usage patterns or usage history as in applicant's claimed invention.

Likewise, Tang *et al.* is related to delivery of service to a program on a mobile device upon detection of such device. Tang *et al.* does not teach or suggest inferring and/or anticipating presence of wireless devices as in applicant's claimed invention. Moreover, Smith *et al.* is directed to increasing the communication range of a source device, and does not make up for the aforementioned deficiencies of Gray *et al.* and Tang *et al.*

Independent claim 1 recites “a **classifier that learns** user behavior of the first wireless device **based on prior usage** to anticipate availability of the one or more other wireless device”, and independent claim 31 recites “an **artificial intelligence** component that determines expected availability based **on past usage**”. Likewise, independent claim 38 recites “determining trends from **prior user action** when accessing wireless devices” and independent claim 53 recites “means for determining earlier user usage when accessing the one or more wireless devices”. Moreover, independent claim 54 recites “an inference component that determines usage trends of wireless devices by the **detected portable terminal based on usage history**” and independent claim 63 recites “a classifier that learns **user trends** when using the first wireless device to anticipate availability of the one or more other wireless device”. In addition, independent claim 64 recites “a classifier that learns from prior user behavior of the first wireless device to anticipate accessibility of the one or more other wireless devices”, and independent claim 65 recites identifying trends in **usage history** to anticipate availability of the wireless device.” Moreover, claim 66 recites “inferring availability of the wireless device based on prior user behavior.” Such aspects of the claimed invention are not taught or suggested invention by Gray *et al.*, Tang *et al.*, or Smith *et al.* alone or in combination.

### **III. Rejection of Claims 2, 55 and 62 Under 35 U.S.C. §103(a)**

Claims 2, 55 and 62 stand rejected under 35 U.S.C. §103(a) as being obvious over Gray *et al* in view of Tang *et al* and further in view of Miyake *et al.* (US Pub 2001/0042118). Withdrawal of this rejection is respectfully requested for at least the following reasons. Claims 2, and 55, 62 depend from independent claims 1 and 54 respectively, and Miyake *et al.* fails to make up for the deficiencies of Gray *et al.* and Tang *et al.* with respect to the subject independent claims.

**IV. Rejection of Claims 7-8, 29-30, 42-43, 48, 58, 61 Under 35 U.S.C. §103(a)**

Claims 7-8, 29-30, 42-42, 48, 58, 61 stand rejected under 35 U.S.C. §103(a) as being obvious over Gray *et al.* in view of Tang *et al.* and Smith *et al.* and further in view of Hollenberg (US Patent 6,091,956). Withdrawal of this rejection is respectfully requested for at least the following reasons. The subject claims depend from independent claims 1, 38, 53, 54, and Hollenberg fails to make up for the deficiencies of Gray *et al.* and Tang *et al.* with respect to the subject independent claims.

**V. Rejection of Claims 31-37 Under 35 U.S.C. §103(a)**

Claims 31-37 stand rejected under 35 U.S.C. §103(a) as being obvious over Gray *et al.* in view of Smith *et al.* and Miyake *et al.* and further in view of Hollenberg. Withdrawal of this rejection is respectfully requested for at least the following reasons. Claims 32-37 depend from independent claim 31, and Hollenberg does not make up for the aforementioned deficiencies of Gray *et al.* and Smith *et al.* in view of Miyake *et al.*, with respect to the subject independent claims.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP429US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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